

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVEN SMUKALA,

Plaintiff,

Case No. 15-cv-10612

v.

HONORABLE STEPHEN J. MURPHY, III

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION (document no. 17), GRANTING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (document no. 13), AND
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (document no. 16)**

The Social Security Administration denied Plaintiff Steven Smukala's application for a period of disability and disability insurance benefits. After the Social Security Appeals Council denied his request for review, Smukala filed the present case. The Court referred the case to a magistrate judge for a Report and Recommendation. The magistrate judge issued a Report and Recommendation on February 23, 2016, and advised the Court to grant Smukala's Motion for Summary Judgment, deny the Commissioner of Social Security's Motion for Summary Judgment, and remand the case for further proceedings, Report, ECF No. 17.

Under Civil Rule 72(b), each party had fourteen days from the date of service to file any written objections to the recommended disposition. Thus, each party had until March 8, 2016, to file an objection. Neither party lodged an objection in the prescribed time. De novo review of the magistrate judge's findings is therefore not required. See Fed.R.Civ.P. 72(b)(3). The Court has reviewed the file and the Report, and finds that the magistrate

judge's analysis is proper. Accordingly, the Court adopts the Report's findings and conclusions and will enter an appropriate judgment.

ORDER

WHEREFORE, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation (document no. 17) is **ADOPTED**.

IT IS FURTHER ORDERED that the Plaintiff's Motion for Summary Judgment (document no. 13) is **GRANTED**.

IT IS FURTHER ORDERED that the Defendant's Motion for Summary Judgment (document no. 16) is **DENIED**.

IT IS FURTHER ORDERED that the case be remanded to the Commissioner of Social Security for further proceedings.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: March 11, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 11, 2016, by electronic and/or ordinary mail.

s/Carol Cohron
Case Manager